

MINUTES OF THE BOARD OF APPEALS
TOWN OF ANDOVER, MASSACHUSETTS

Memorial Hall Library, Elm Sq., Andover

January 4, 2007

APPROVED 2-1-07

There were present: Anderson - Chair, McDonough - Clerk, Batchelder & Brown. Meeting opened at 7:08 p.m. Bevacqua arrived at 7:15 p.m.

PETITION NO.: 3676

PETITIONER: Soltes

PREMISES AFFECTED: 16 Arundel St.

MEMBERS: Anderson, McDonough, Batchelder, Brown

A request to continue to the 2/1/07 meeting was received granting an extension until 3/1/07 from Mr. & Mrs. Soltes. McDonough made a motion to allow the continuance to 2/1/07 with and extension to 3/1/07. Batchelder seconded the motion & the Board voted unanimously (4-0) to allow the continuance.

Batchelder made a motion to approve the minutes of 12/7/06. Brown seconded the motion & the Board voted unanimously (4-0) to approve the minutes.

The Board then discussed the proposed Stormwater Management By Law, as submitted by Inspector of Buildings Kaija Gilmore. Brown commented that the administration of the by law will be difficult. Anderson had composed a memo, to which the Board agreed to submit to Gilmore et al. Brown submitted some corrections.

PETITION NO.: 3670

PETITIONER: Butler Bank

PREMISES AFFECTED: 16 N. Main St.

MEMBERS: Anderson, McDonough, Batchelder, Brown, Bevacqua

This is a continued public hearing that was not previously opened. Attorney Mark Johnson represented the Bank in its request to lease part of the 1st floor & basement to a restaurant use (Boston King Café) that will include 24 seats & take-out. They are requesting a special permit for the take-out aspect. Hours of operation will be 6 a.m. – 8 p.m. 7 days per week. The menu includes breakfast, lunch & dinner service. There will be no take-out window or drive-through. Johnson showed the Board photos of the restaurant's Woburn location. Parking requirements for a sit-down restaurant on site are in excess of the minimum, as determined by the Planning Board. There are 15 spaces where 8.39 would be required for the restaurant. A total of 38 spaces exist, where only 37 are required for a multi-use building. Johnson reviewed & submitted to the Board the floor plan. The restaurant will use basement space for storage, restrooms & if approved by Health Division, food preparation. McDonough asked if there are plans for outdoor seating. Mr. Son, owner of Boston King Café, stated that he plans to have outdoor seating. Johnson clarified that they would seek approval at a later date. The Board waived a site view. Brown made a motion to close the hearing. McDonough seconded the motion & the Board voted (5-0) to close the hearing. The Board then proceeded to deliberate. Brown noted that take-out will be a substantial part of the business & that the proposal meets the criteria for a special permit under section 3.1.3.C.12.b. Brown made a motion to grant the special permit requested. Anderson proposed adding the condition that the restaurant meets the parking requirements for a sit-down restaurant. Bevacqua suggested that the condition state, "that it continues to meet the parking requirement for sit-down restaurant." The Board voted (5-0) to grant the special permit with condition. Batchelder will write the decision.

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PETITION NO.: 3677

PETITIONER: Williams

PREMISES AFFECTED: 44 Holt Rd.

MEMBERS: Anderson, McDonough, Casper, Brown, Bevacqua

Mr. Ned Williams represented himself & his wife in the continued public hearing. Since the prior meeting, the Board received the building permit plans as well as the original plans submitted for Decision No. 3614. It appears that the ZBA approved plan was submitted to the Building Division showing an 18.5' front setback. Mr. Williams explained that there had been several architectural plans, one of which had a 1' difference in porch depth. Brown pointed out that the drawings submitted to the Building Division were incorrect. Williams informed the Board that the Inspector of Buildings signed off on the final inspection recently. Bevacqua made a motion to close the public hearing. Batchelder seconded the motion & the Board voted (5-0) to close the hearing. Anderson made a motion to approve a variance for the additional 1' depth. Batchelder seconded the motion. Brown pointed out that the request is for a modification. Bevacqua made a motion to approve the requested modification. McDonough seconded the motion & the Board voted (5-0) to approve the modification of Decision No. 3614. Brown will write the decision.

PETITION NO.: 3679

PETITIONER: Voyer

PREMISES AFFECTED: 33 Corbett St.

MEMBERS: Anderson, McDonough, Brown, Bevacqua, Batchelder

Builder, Steve Hall, represented Mr. & Mrs. Voyer in their request to construct a 2nd story addition on their pre-existing non-conforming dwelling. The Board reviewed the plot plan noting the 30.8' front setback & 14.7' side setback. Brown showed the Board photos he had taken earlier that day showing the subject property and the house immediately to its left, noting that the adjacent house is similar and that many of the houses to the east on Corbett Street are two stories. The Voyer's house was built in approximately 1950. Batchelder made a motion to close the public hearing. Brown seconded the motion & the Board voted (5-0) to close the hearing. McDonough commented that it is non-conforming due to the pre-existing non-conforming footprint. Brown added that they are increasing the non-conforming nature. The Board voted (5-0) to grant the special permit. Bevacqua will write the decision.

The meeting adjourned at 7:50 p.m.

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